



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
☐ DUPLICATE

Address to: Mail Stop CPA  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RECEIVED

Attorney Docket No. of Prior Application 080398.P198  
First Named Inventor Tetsujiro Kondo  
Examiner Name M. Chaudry  
Group Art Unit 2133  
Express Mail Label No. EV 336 581 504 US

JUL 17 2003

Technology Center 2100

This is a request for a ☒ continuation or ☐ divisional under 37 CFR 1.53(d)

(continuation prosecution application (CPA)) of prior application No: 09/249,489,

filed on February 12, 1999, entitled Method and Apparatus For Error Data Recovery

If the Patent and Trademark Office determines that this request under 37 CFR 1.53(d) is improper, the Office is requested to treat this CPA as a request for continued examination of the above identified application under 37 CFR 1.114.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ An amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO - 1449 or PTO/SB/08
  - b. ☐ Copies of IDS Citations

# CLAIMS

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
Total Claims (37 CFR 1.16(c) or (j))	95 - 20* =	75	X \$ 18.00 =	\$ 1,350.00
Independent Claims (37 CFR 1.16(b) or (j))	12 - 3** =	9	X \$ 84.00 =	\$ 756.00
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))			+ \$	= \$
			BASIC FEE (37 CFR 1.16(a))	\$ 750.00

Total of above Calculations = \$ 2,856.00  
Reduction by 50% for filing by small entity (Note 37 CFR 1.27). \$

\* Reissue claims in excess of 20 and over original patent.

\*\* Reissue independent claims over original patent.

TOTAL = \$ 2,856.00

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02-2666

a. ☒ Fees required under 37 CFR 1.16.

b. ☒ Fees required under 37 CFR 1.17.

c. Fees required under 37 CFR 1.18.

RECEIVED

JUL 17 2003

Technology Center 2100

8. ☒ A check in the amount of \$ 2,856.00 is enclosed.

9. Payment by credit card. Form PTO-2038 is attached.

10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. New Attorney Docket Number, if desired  
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

12. a. Receipt for Facsimile Transmitted CPA (PTO/SB/29A)

b. Return Receipt Postcard (Should be specially itemized, See MPEP 503)

13. Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. (Reminder: First investigate foreign filing question).

14. Other:

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

## 14. NEW CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label  
OR

(Insert Customer No. or Attach Bar Code Label here)

New Correspondence Address Below

NAME

ADDRESS

CITY STATE ZIP CODE

COUNTRY TELEPHONE FAX

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME Sheryl Sue Holloway SIGNATURE

REGISTRATION NO. 37,850 DATE July 11, 2003